

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

JOSE ESCOBEDO,

Plaintiff,

v.

GUITI JIANG, et al.,

Defendants.

Case No. 1:23-cv-00205-SAB

**ORDER REQUIRING PLAINTIFF TO FILE  
STATUS REPORT ON SERVICE AND  
READINESS FOR SCHEDULING  
CONFERENCE**

**FIVE DAY DEADLINE**

Plaintiff filed this action on February 10, 2023, pursuant to the Americans with Disabilities Act. (ECF No. 1.) A scheduling conference is currently set for May 25, 2023. (ECF No. 3.) Plaintiff has returned service documents for Defendants Guiti Jiang, and Zhu Yi Liu, who have filed an answer through counsel. (ECF Nos. 4, 5, 7.) Plaintiff has not returned service documents for Defendants Augustine Keng-Hou Wu and Wah Wong Wu.

Rule 4(m) provides that “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.* The order setting the scheduling conference in this matter additionally provides that: “plaintiff shall diligently pursue service of the summons and complaint and dismiss those defendants against whom the plaintiff will not pursue claims . .

1 .[and] plaintiff shall promptly file proofs of service of the summons and complaint so the Court  
2 has a record of service.” (ECF No. 3 at 1.)

3 Accordingly, IT IS HEREBY ORDERED that **within five days of entry of this order**,  
4 Plaintiff shall file a notice regarding the status of service on the Defendants Augustine Keng-Hou  
5 Wu and Wah Wong Wu, and whether the scheduling conference should be continued for an  
6 appropriate time. Plaintiff is advised that failure to comply with this order may result in the  
7 issuance of sanctions, up to and including dismissal of this action.

8  
9 IT IS SO ORDERED.

10 Dated: **May 8, 2023**

  
UNITED STATES MAGISTRATE JUDGE